

IN the united states District Court
Eastern District of Wisconsin

Deshaun Staten

Plaintiff

Case No: _____

V.

Lucinda Buchanan

Dr. O'Brien

Justine Ribault

Gareth Fitzpatrick

Gareth Fitzpatrick

Defendants

1. Plaintiff Deshaun Staten is an prisoner at Green Bay Correctional Institution (G.B.C.I.) P.O. Box 19033 Green Bay, WI 54307

2. Defendants

Lucinda Buchanan is an Health Service Supervisor at Columbia Correctional Institution

3. Dr. O'Brien is a Doctor at Columbia Correctional Institution.

4. Justine Ribault is an Doctor at Columbia Correctional Institution.

5. Gareth Fitzpatrick is an assist health Service Supervisor at Columbia Correctional Institution

Statement

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Protect using Corporal Punishment, Deliberately causing mental & Emotional Distress, Depression, lots of Anxiety and wrongful Classification of my mental health to Reduce mental health treatment and programming. Plaintiff was deprived these rights secured by the Constitution and State Laws of the United States, and Plaintiff was Deprived of his rights to the United States Constitution visited upon him by persons operating under the color of State Law.

Plaintiff has taken on that advisement and alleges that; he Suffers from several objective serious mental health conditions Such as severe depression, schizophrenia, ADHD, PTSD, and academic dysfunction impulse behavior.

These objective mental health conditions often become so Overwhelming for the Plaintiff, which leads your Plaintiff into clinical observation do to several suicide attempts.

Your Plaintiff suicide attempts ranges from starvation a history of overdosing, and practically any measure to expedite his success in suicide.

The Eighth Amendment pro scribe's cruel and unusual punishment. U.S. Const., Amend. IIX. The Supreme Court held almost thirty years ago that prison officials's deliberate indifference to the serious medical needs of inmates constitutes cruel and unusual punishment within the meaning of the Eighth Amendment. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976).

"This is True," the court held, "whether the indifference is manifested by prison doctors in their response to the

prisoner's needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed." *Id.* at 104-05 (Footnotes omitted). This rule follows from the fact that because they are confined in prisons, inmates are unable to seek medical care on their own and are therefore dependent on those who run the prison.

An inmate must rely on prison authorities to treat his medical needs; if the authorities fail to do so, those needs will not be met. In the worst cases, such a failure may actually produce physical torture or a lingering death, . . . the evils of most immediate concern to the drafters of the Amendment. In less serious cases, denial of medical care may result in pain and suffering which no one suggests would serve any penological purpose. The infliction of such unnecessary suffering is inconsistent with contemporary standards of decency as manifested in modern legislation codifying the common-law view that it is but just that the public be required to care for the prisoner, who cannot by reason of the deprivation of his liberty, care for himself.

as already discussed, Plaintiff's contention is not only persuasive but supported by the Court of Appeals for the Seventh Circuit's decision in *Gil v. Reed*, 381 F.3d 649, 662 (7th Cir. 2004) physician assistant's failure to give inmate prescribed medication in conjunction with assistant angry tone and hanging up on guard asking about inmate's medication created genuine issue of material fact about

Whether assistant acted with deliberate indifference.

Defendant Lucinda Buchanan on June 2020 while the Plaintiff was on unit 7 denied plaintiff's medical treatment for Plaintiff back pain and pain in his wrist & heel to the feet that cause Plaintiff's Extreme chronic pain every day but defendants didn't care, because 'and inmate complaint Number CC I-2020-11673 clearly show that defendants had the knowledge that Plaintiff was going through very Extreme Chronic pain for months since at Columbia correction but began at Wisconsin Service program facility for years Defendants Buchanan Violated Plaintiff Constitution rights under the First Amendment Retaliation on Plaintiff by saying she don't like inmates that assault staff members so that why you Mr. Staten is not getting medical treatment at (CCI) that was said August 2020 right after Plaintiff's return from a out ground medical Eye appointment, these also a negligence, 8th Amendment Deliberately indifference & cruel and unusual punishment, pain in suffering for months in Plaintiff's still haven't got any medical treatment for any of this issue. Defendants all know about Plaintiff had seriously problems because plaintiff's had E-ray, in other medical records too show that defendants know about these matters but didn't care.

Defendant Gareth Fitzpatrick on May 2020 while on unit 7 defendants denied Plaintiff medical treatment for

months making Plaintiff's go through pain and suffering very Extreme Chronic Pain with No Medicals for these matters even after medical Records show that Plaintiff have problems with Lower back pain, left wrist pain, & left heel to the feet defenders still didn't care about Plaintiff's issues making this a Constitution rights violate under the 8th Amendment Negligence, Deliberately indifference cruel and unusual punishment, Malpractice, and still to this very day Plaintiff still being denied medical treatment so now Plaintiff is suiting all defenders. Defender Fitzpatrick still didn't do anything after plaintiff's wrote a inmate complaint in inmate complaint Appeal it shows that none of the defendants didn't care about Plaintiff medical problems at all the Recode show it.

Defendants DR. O'Brien on June 2020 while plaintiff was on unit 7 know that plaintiff's had seriously problems to the left write, Lower back & Extreme chronic pain too the left heel that and the plaintiff recodes. Now this action is a constitution rights violate of the Plaintiff's 8th Amendment, Cruel and unusual punishment, Deliberately indifference Negligence & malpractice because defender DR. O'Brien is the one "stated this are the right shoes for your feet OR heel in saying you Mr. Staten need more than Lidocaine and diclofenac for the pain that wisconsin service program facility had gave to plaintiff's And 2019, Plaintiff never got physical therapy after Dr. O'Brien made the order.

for physical therapy but plaintiff never was allowed to go why Plaintiff don't know!

Defendants Justine Ribault on July 2020 while Plaintiff was on unit 7 defender Ribault seen Plaintiff on housing unit 7 because Plaintiff's wrote a Health service request about Extreme chronic pain to the feet in wrist & back defender Ribault said if Dr. O'Brien said you need some better medical shoes than he will go with Dr. O'Brien decision because she is a good doctor, but Dr. Ribault did do anything about Plaintiff medical problem making this a Constitution rights violate under the 8th Amendment Cruel and unusual punishment, deliberative indifference malpractice & Negligence defendants Ribault had the knowledge of the plaintiff's medical care problems but didn't take any action, now the courts need too keep in mind that Dr. Ribault in Plaintiff always had issues with else other and Wisconsin service program facility it's clearly showing the Retaliation never stop Even at the plaintiff new prison.

Progre

Defendants Ribault Relief of requested

- 1.) I ask to be able to Amend this complaint.
- 2.) I ask to supplement this complaint.

3.) I ask for injunctive Relief as follows:

(A.) Be sent to a chronic Doctor and UW Madison hospital for X-ray, MRI, CT Scan in treatment.

(B.) A outside shoe venue Restriction as long as Plaintiff have heels problems

4.) All State Law punitive & compensatory Damages be paid by Garnishment of the wages of the defendants pursuant to Wisconsin statute 812.35(1A)(3A), 812.42 titled commencement of action, plaintiff is asking that each individual defendants a total of \$75,000.00 be Garnished of Each defendants pay check who's Found Liable.

Each of the defendants \$35,000.00 for punitive damage in compensatory damages.

Signed on April 25, 2021

Deshaun Stater

Deshaun Stater #490339

Green bay correctional Institution

P.O. Box 19033

Green bay, WI 54307

IN the united states District Court
Eastern District of Wisconsin

Deshaun Staten

Plaintiff

Case No: _____

v.

Lucinda Buchanan Et.al,

Defendants,

Jurisdiction change of venue

This is a civil action authorized by 42 U.S.C. section 1983 to Redress the deprivation, under color of state Law, of the rights secured by the constitution of the U.S. the courts has Jurisdiction under 28 U.S.C. section 1331 and 1343 (A).

(3) Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202 Plaintiff's claims for injunctive Relief are authorized by 28 U.S.C. section 2283 and 2284 and Rule 65 of the Federal Rules of civil procedures the Eastern/Western District of Wisconsin is an appropriate Venue under 28 U.S.C. section 1391(B)(2) because it is where the events giving rise to the claim occurred

Plaintiff Deshaun Staten is and was at all times mentioned herein a prisoner of Wisconsin Department of corrections, in the custody of Wisconsin D.O.C. he is currently confined in Green bay correctional institution.

All Defendants Lucinda Buchanan Et al, were employees of Wisconsin Columbia Correctional Institution they held the rank of Employees at all time mentioned in complaint and was assigned to Columbia Correctional Institution.

Each defendants is sued individually and in official capacity. At all time each employee acted under color of State Law.

Exhaustion of Legal Remedies:

Complaints: CCZ-2020-11673, CCZ-2020-3548, CCZ-2020-16249 & CCZ-2020-15252.

Defendants violated Plaintiff's 8th Amendment rights causing Pain & suffering and injury by not acting.

Defendants were Deliberate indifference by knowing Plaintiff suffered more injury to left heel, and defendants failing to treat injuries causing Extreme Chronic Pain and Suffering.

Wherefore, Plaintiff's respectfully pray that this Court enter Judgement.

1.) I ask to be able to Amend this complaint.

2.) I ask Supplement this complaint.

3.) I ask for injunctive Relief as follows:

(A.) Be Placed and General Population.

4.) All state Law punitive & compensatory Damages be paid by Garnishment of the wages of the defendants pursuant to Wisconsin statute § 812.42, § 812.35 (1A) (3A) titled commencement of action, Plaintiff is asking that each individual defendants who's Found Liable for any (constitutional) state law violations a total of \$150,000.00 be Garnished of Each defendants check who's Found Liable.

Verification

Pursuant to U.S.C. § 1746 I Declare under penalty of perjury the foregoing is true & correct.

Signed this on 25th day of April 2021

Deshaun Staten

Deshaun Staten #490337

Green bay Correctional Institution

P.O. Box 19033

Green bay, WI, 54307